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SECRETARIAT  
OF  
THE ODISHA LEGISLATIVE ASSEMBLY  
NOTIFICATION

The 22nd March, 2023

No.2224/L.A.— The following Bill, which has been introduced in the Odisha Legislative Assembly on the 22nd March, 2023 is here with published under rule-68 of the Rules of Procedure and Conduct of Business in the Odisha Legislative Assembly for general information

**ODISHA MUNICIPAL LAWS (AMENDMENT) BILL, 2023**

**A**

**BILL**

**FURTHER TO AMEND THE ODISHA MUNICIPAL CORPORATION  
ACT, 2003 AND THE ODISHA MUNICIPAL ACT, 1950.**

Be it enacted by the Legislature of the State of Odisha in the Seventy-Fourth Year of Republic of India as follows: —

**CHAPTER – I**

**Preliminary**

Short title  
and  
commen-  
cement.

1. (1) This Act may be called the Odisha Municipal Laws (Amendment) Act, 2023.

(2) It shall come into force on such date as the State Government may, be notification, appoint.

## CHAPTER – II

Amendment to the Odisha Municipal Corporation Act, 2003.

Amendment  
of Section 21.

**2.** In the Odisha Municipal Corporation Act, 2003 (hereinafter referred to as the Corporation Act), in Section 21, in sub-section (2),—

Odisha  
Act 11 of  
2003.

(a) for clauses (b), (c) and (d), excluding the second proviso thereto, the following clauses shall be substituted, namely :—

“(b) a Ward Officer to be nominated by the Commissioner of the concerned Corporation ;

(c) two persons holding the office of President or secretary of Mission Shakti group, or their Federation, to be nominated by the Commissioner in the manner as may be notified :

Provided that where only one Mission Shakti Group exist, the President or Secretary of such Mission Shakti Group shall be nominated by the Commissioner;

(d) where only one Slum dweller Association exists in the ward, either its President or Secretary, but where more than one Slum dweller Associations exist in the concerned ward, two representatives, being the President or Secretary of two different Associations to be nominated by the Commissioner in the manner as may be notified;

(e) one official of the Corporation other than the ward officer, responsible for delivery of urban services to be nominated by the Commissioner;

(f) one representative of community based organisations engaged in the delivery of urban services to be nominated by the Commissioner in the manner as may be notified; and

(g) not more than ten persons from the ward, to be nominated by the Corporation, in such manner as may be notified:

Provided that if the population of the ward is up to ten thousand, the total number of nominated persons shall be four, and thereafter, there shall be one additional member for every four thousand population, or part thereof”;

(b) for the existing *Explanation*, the following *Explanations* shall be substituted, namely :—

*Explanations.*— For the purpose of this section, the expressions, —

- (a) 'Mission Shakti Group' means women Self Help Groups (SHGs) overseen by the Mission Shakti Department, whether registered or not, which is a homogenous group comprising of women members between the ages of 18 and 65 living in the same area, working towards the common cause of improving the group's socio-economic condition operating on the principles of self-help, mutual trust and co-operation;
- (b) 'Slum dweller Association' means an Association whether registered or not formed by the slum dwellers of the slums duly recognized by the Corporation in such manner and in such form as may be notified by the State Government, from time to time, which is working for the upliftment and welfare of the slum dwellers and the expression 'slum dweller' shall have the same meaning as defined in clause (s) of Section 482;
- (c) 'Ward Officer' means an officer or employee of the Municipal Service constituted under the Odisha Municipal Services Act, 2015 as notified by the concerned Corporation ;and
- (d) 'Community based organisation' means a self-governed, non-profit organisation operating in the city or ward or in any area or slum of the city, for improvement of the community, which includes Women Self Help Groups (WSHG) under Mission Shakti Department and their Area level and city level federations, Slum dweller Associations, members and groups of the transgender community and Waste-Pickers."

Odisha Act 7  
of 2016.

Amendment  
of  
Section 21B.

**3.** In the Corporation Act, in Section 21-B, in sub-section (1), in clause (b), the following proviso shall be inserted, namely:—

"Provided that the Ward Committee while preparing the annual budget and the annual Action Plan, it shall consider the recommendation of the Slum Dweller Association relating to requirement of funds for slum areas or upgraded slum areas, to be

made out of amount allotted for the purpose of providing basic services and infrastructure to Slum under clause (d) of sub-section (2) of Section 137;”.

Amendment of  
Chapter III-A

**4.** In the Corporation Act, Chapter III-A shall be omitted.

Amendment of  
Section 24.

**5.** In the Corporation Act, in Section 24, after clause (xviii), the following clause shall be inserted, namely:-

“(xviii-a) subject to the provisions of the Disaster Management Act, 2005, preparation of Disaster Management Plan at Municipal Corporation level, integration with development plan, capacity building of stakeholders, carrying out and facilitation of relief, rehabilitation and reconstruction activities in disaster affected areas in accordance with State Plan and District Plan, and to undertake other measures as may be necessary for disaster management;

Act 53 of  
2005.

*Explanation.* - For the purpose of this clause, the expression 'disaster management' shall have the same meaning as assigned to it under clause (e) of Section 2 of the Disaster Management Act, 2005;”.

Act 53 of  
2005.

Amendment  
of  
Section 276.

**6.** In the Corporation Act, Section 276 shall be renumbered as sub-section (1) thereof and after sub-section (1) as so renumbered, the following sub-sections shall be inserted, namely :—

“(2) Subject to the provisions in sub-section (1) of the Section 279, it shall be lawful on the part of the State Government to notify such class of work which may be executed by the ‘community-based organisations’, directly or in partnership with the Corporation, for which no open tender shall be required, and such notification of the State Government shall be binding on the Corporation.

(3) No cancellation of such work shall be done without prior approval of the State Government or any officer authorized by the State Government.

*Explanations.—* the expression “community-based organisations” shall have the same meaning as defined in *Explanation* (d) of sub-section (2) of Section 21.”

## CHAPTER – III

### Amendment to the Odisha Municipal Act, 1950

Amendment  
of  
Section 57-A.

7. In the Odisha Municipal Act, 1950 (hereinafter referred to as the Municipal Act), in Section 57A, in sub-section (2),—

Odisha  
Act 23 of  
1950.

(a) for clauses (b), (c) and (d), excluding the second proviso, the following clauses shall be substituted, namely :—

“(b) a Ward Officer to be nominated by the Executive Officer of the concerned Municipality ;

(c) Two persons holding the office of President or Secretary of Mission Shakti Groups or their Federation to be nominated by the Executive Officer in the manner as may be notified :

Provided that where only one Mission Shakti Group exist, the President or Secretary of such Mission Shakti Group shall be nominated by the Executive Officers.

(d) where only one Slum dweller Association exists in the ward, either its President or Secretary, but where more than one Slum dweller Associations exist in the concerned ward, upto two representatives, being either the President or Secretary of such different Associations to be nominated by the Executive Officer in the manner as may be notified;

(e) One official of the Municipality other than the Ward Officer, responsible for delivery of urban services to be nominated by the Executive Officer ;

(f) one representative of community based organisations engaged in the delivery of urban services, to be nominated by the Executive Officer in the manner as may be notified;

(g) not more than ten persons from the ward, to be nominated by the Municipality in such manner as may be notified;

Provided that if the population of the ward is up to ten thousand, the total number of nominated persons shall be four, and thereafter, there shall be one additional member for every four thousand population, or part thereof”;

(b) for the existing Explanation, the following Explanations shall be substituted, namely :—

*“Explanations:—* For the purpose of this section the expressions.—

(a) ‘Mission Shakti Group’ means women Self Help Groups (SHGs) overseen by the Mission Shakti Department, whether registered or not, which is a homogenous group comprising of women members between the ages of 18 and 65 living in the same area, working towards the common cause of improving the group’s socio-economic condition operating on the principles of self-help, mutual trust and cooperation;

(b) ‘Slum dweller Association’ means an Association whether registered or not formed by the slum dwellers of the slums duly recognized by the Municipality in such manner and in such form as may be notified by the State Government, from time to time, which is working for the upliftment and welfare of the slum dwellers and the expression ‘slum dweller’ shall have the same meaning as defined in clause(s) of Section 2 of the Odisha Land Rights to Slum Dwellers Act, 2017;

Odisha  
Act 10 of  
2017.

(c) ‘Ward Officer’ means an officer or employee of the Municipal Service constituted under the Odisha Municipal Services Act, 2015 as notified by the concerned Municipality;

Odisha  
Act 7 of  
2016.

(d) ‘Community based organisation’ means a self-governed, non-profit organisation operating in the municipal area or ward or in any area or slum of the municipalities for improvement of the community which includes Women Self Help Groups (WSHGs) under Mission Shakti Department and their area level and city level federation, slum dwellers Association, member and groups of the transgender community and waste-pickers.”

Amendment  
of  
Section 57-C.

8. In the Municipal Act, in Section 57-C, in sub-section (1), in clause (b), the following proviso shall be inserted, namely:—

“Provided that the Ward Committee while preparing the annual budget and the annual Action Plan, it shall consider the recommendation of the Slum Dweller Association relating to

requirement of funds for slum areas or upgraded slum areas, to be made out of amount allotted for the purpose of providing basic services and infrastructure to Slum under clause (d) of sub-section (2) of Section 105;”.

Amendment of  
Chapter V-B.

**9.** In the Municipal Act, Chapter V-B shall be omitted.

Amendment of  
Section 130.

**10.** In the Municipal Act, in Section 130, for sub-section (4), the following sub-sections shall be substituted, namely:—

“(4) The State Government shall have power to make rules as to the manner or submission and opening of tenders and their acceptance, and exemptions from tendering, if any, and such rules shall be binding on the municipality.

(5) The State Government shall have power to notify such class of work and up to such financial limits which may be executed by the community-based organisations, directly or in partnership with the Municipality, for which no open tender may be required, and such notification of the State Government shall be binding on the Municipality.

(6) No cancellation of such work shall be made without prior approval of the District Collector.

*Explanations.*— the expression “community based Organisation” shall have the same meaning as defined in *Explanation* (d) of sub-section (2) of Section 57-A.”

Amendment  
of  
Section 412.

**11.** In the Municipal Act, in Section 412, after clause (3) the following clause shall be inserted, namely: —

“(3-a) subject to the provisions of the Disaster Management Act, 2005, preparation of Disaster Management Plan at Municipality level, integration with development plan, capacity building of stakeholders, carrying out and facilitation of relief, rehabilitation and reconstruction activities in disaster affected areas in accordance with State Plan and

District Plan, and to undertake other measures as may be necessary for disaster management;

*Explanation.-* For the purpose of this clause, the expression 'disaster management' shall have the same meaning as assigned to it under clause (e) of Section 2 of the Disaster Management Act, 2005;".

Act 53 of  
2005



## **STATEMENT OF OBJECTS AND REASONS**

Article 243S of the Constitution of India provides that there shall be constituted Wards Committees, consisting of one or more Wards, within the territorial area of a Municipality having a population of three lakhs or more. But the Constitution left it to the wisdom of State Legislature to decide the manner of constitution and composition of Wards Committees.

The Wards Committees constituted under section 57 A of the Odisha Municipal Act, 1950 and under section 21 of the Odisha Municipal Corporation Act, 2003 is designed, among several other functions and responsibilities, to help prepare ground-up annual ward plan and help in budget allocation in a truly participatory manner.

Slum Dweller Associations (SDAs) have been formed under the JAGA Mission, part of whose responsibility is ensuring continual participatory development of their slum community and to assist in allocation and deployment of funds earmarked for slums in municipal budgets as well as the urban poor welfare funds. It is, therefore, considered prudent that SDAs are represented in their respective Wards Committees.

With a view to create better opportunities for the Community based Organisations to participate in the process of development of their respective localities, it is felt necessary to amend certain provisions of the Municipal Laws.

The Chapter VI of Disaster Management Act, 2005 mandates all local authorities to adopt disaster risk reduction measures. Further the said Act also empowers local authorities to take necessary and appropriate measures for disaster management in the Urban Local Bodies. This has become all the more important in the wake of the pandemic, which requires emergency response from the ULBs to mitigate its impact.

Therefore, it is considered expedient and accordingly proposed to amend suitably both Odisha Municipal Act, 1950 and the Odisha Municipal Corporation Act, 2003.

The Bill seeks to achieve the above objectives.

[ USHA DEVI ]  
**Member-in Charge**

DASHARATHI SATAPATHY  
OSD-CUM-SECRETARY  
ODISHA LEGISLATIVE ASSEMBLY